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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1959.

No. 719

ANNE M. EVANS,
Appellant, Petitioner,

v.

JOSEPH BRUSSEL and KRESZENTJA BRUSSEL, His Wife, THE RENGEL-WEBER REALTY CO., H. P. HAHN, Last Board of Directors of the GREATER ST. LOUIS CORPORATION, a Corporation, and All the Unknown Heirs, Grantees or Successors in Title, and CITY OF ST. LOUIS, a Corporation,
Respondents.

PETITION FOR WRIT OF CERTIORARI

To the Supreme Court of Missouri,
Division No. 2.

ANNE M. EVANS,
Attorney Pro Se,
913 North 12th Boulevard,
St. Louis 1, Missouri,
CE. 1-1859.

St. Louis Law Printing Co., Inc., 415 N. Eighth Street. CEntral 1-4477.

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PETITION FOR WRIT OF CERTIORARI

To the Supreme Court of Missouri, Division No. 2.

To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Your Petitioner, plaintiff-appellant in the St. Louis Circuit Courts and the Missouri Supreme Court, respectfully prays that a writ of certiorari issue to the Supreme Court of Missouri, Division No. 2, to review the judgment and

opinion of that Court entered on December 14, 1959 (petition for rehearing denied January 11, 1960) affirming the Judgment of the Circuit Court filed November 7, 1958, in Cause No. 46,113-D in the Circuit Court and No. 47,456 in the Missouri State Supreme Court. The Opinion of the Missouri State Supreme Court may be found under APPENDIX 1, and the Judgment of the Circuit Court may be found on pages 64 to 68 of the Transcript filed in No. 47,456 of the Supreme Court.

Wherefore, your petitioner prays that a writ of certiorari be issued directing that Transcripts in **Evans v. City of St. Louis** (contains evidence); Cause No. 39,785; in **Evans v. Brussel, City et al.**, No. 45,724; in **Evans v. Brussel, City of St. Louis, et al.**, No. 47,456, together with all Briefs, Motions and Exhibits belonging thereto, be sent to the United States Supreme Court.

OPINIONS BELOW.

Evans v. City of St. Louis, 355 Mo. 790, 198 S. W. 2d 9.

In cause No. 39,785 (Tr. 45), November 5, 1945, on Plaintiff's Motion for Court Finding of Law and Fact (Tr. 43), the Court by a **DECLARATORY JUDGMENT** found:

(1) "The sale of property in Count 13 is invalid as to the City of St. Louis and certificate of title No. 1482 is void." This is in violation of the Fourteenth Amendment of the United States Constitution because of bad (Tr. 41) description in advertisement No. 13 "Lots 819 to 22 in CB 466E" (See Tr. 17, 18 and 19, Count 13) for Petition.

(2) Appellant charges violation of DUE PROCESS, p. 19, Item 6, "A valid and legal assessment is a requirement under our Constitution for the enforcement of a tax collection, and a denial of this is to violate Section 1 of the Fourteenth Amendment of the United States Constitution."

(3) (Tr. 43, Item 4) The Court found, November 5, 1945, "In accord with an agreed statement of fact, the evidence shows that as regards the property in Count 13, the Plaintiff's name had not been entered on the Plat Books in the Assessor's Office of the City of St. Louis at any time, even though Plaintiff's Deeds had been duly recorded previous to the date of the tax sale"—eleven and a half months.

THE MISSOURI SUPREME COURT RULED that Plaintiff's Appeal was premature. The Circuit Court had dismissed the case **without prejudice.**

Evans v. Brussel, City et al., No. 45,724, 390 S. W. 2d 442 (46,113—D. Ct. Ct.).

(1) The Supreme Court reversed and remanded the case on appeal.

(2) It found that the Petition states a cause of action under Section 527.150, R. S. Mo. 1949, which entitles both to a declaratory judgment of all rights, claims and liens.

(3) "There is no merit in plaintiff's contention concerning the Court's dismissal of the CONTEMPT CHARGE (Tr. 45,724, p. 64, 64a and 65, filed June 15, 1956) made by plaintiff against defendant's Attorney."

Evans v. Brussel, City et al., Retrial No. 47,456, Jan. 11, 1960.

The Court found SHERIFF'S DEED VESTED FEE SIMPLE TITLE IN APPELLANT EVANS December 24, 1936. But then found that the Collector's Deed, dated September 17, 1941, certified from Brussels to the CITY, on void certificate of Title 1482, vested fee simple title in the CITY.